



The Values Action Team

Congressman Joe Pitts, Chairman

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—Talking Points—

The Ten Commandments Defense Act (TCDA) Talking Points

- This bill gives the individual States the power to decide whether or not to display the Ten Commandments on or within publicly owned buildings.
- This bill does not mandate that the Ten Commandments should be displayed anywhere, at any time. It does not compel the States to display the Ten Commandments in any way.
- This amendment uses the First and Tenth Amendments as its base (i.e., those powers not delegated to the Federal government are reserved to the states). This is a states rights issue.
- This language has previously passed the House of Representatives. During the 106th Congress, it was an amendment to H.R. 1501, the Juvenile Justice Bill. It passed 248-180.
- The Constitutionality of this bill is not guaranteed, but the federalism shield included in the language meets the judicial test that the Religious Freedom Restoration Act (RFRA) failed in the Supreme Court in 1997, as applied to the states. The Court ruled 6-3 that RFRA exceeded Congress' power under section 5 of the 14th Amendment.
- The issue at the heart of this debate is whether Congress has equal and independent authority to interpret the Constitution, or does the Supreme Court have the only say in a case in which the Congress interprets the Tenth Amendment as leaving a matter up to the States.
- This bill will take a significant step towards allowing the states to advance religious freedoms previously restricted by the judicial branch.

- TCDA does not violate the Establishment Clause of the Constitution. The Ten Commandments do not represent one single religion - in fact they are tenets of Judaism, Islam and Christianity.
- Moses is the only historical figure in the House Chambers not in silhouette; instead, he faces forward, looking down on the Speakers Chair. As the conduit of the Ten Commandments, he, in a sense, presides over the law-making process. His influence and the law of the Commandments have been recognized throughout the history of our country.

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